

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY WELLINGTON PRIORITY

S E C R E T STATE 045374

LIMDIS FOR HABIB

FOLLOWING REPEAT BANGKOK 4077 ACTION SECSTATE INFO
CINCPAC DIRNSA COMUSMACHTAI 23 FEB 76.

QUOTE

S E C R E T BANGKOK 4077

LIMDIS

E.O. 11652: GDS

TAGS: MARR, PFOR, TH, US

SUBJECT: STATUS OF U.S. RESIDUAL MILITARY PRESENCE IN
THAILAND

REF: STATE 042657

SUMMARY: WE ARE PLEASED TO LEARN THAT THE DEPARTMENT AND DOD
HAVE AGREED ON U.S. COUNTER-SUGGESTIONS FOR THE THAI "SEVEN
PRINCIPLES", BUT CONCERNED THAT RESORT TO CIRCULAR 175 PRO-
CEDURES WILL ENTAIL DELAYS THAT MAY PROVE HIGHLY DAMAGING TO
OUR EFFORTS TO ACHIEVE A SATISFACTORY OUTCOME. ALTHOUGH WE
RECOGNIZE THAT THE APPLICABILITY OF CIRCULAR 175 TO THIS
CASE IS A JUDGMENT FOR THE DEPARTMENT TO MAKE, WE ARE INCLINED
TO THINK THAT AT LEAST AT THIS STAGE, WAHAT WE ARE TRYING TO
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DO HERE DOES NOT CONSTITUTE A "TREATY OR INTERNATIONAL AGREE-

MENT OTHER THAN TREATY" IN THE SENSE INTENDED BY 11 FAM 720. WE WOULD LIKE AUTHORITY TO PUT FORWARD CERTAIN INFORMAL SUGGESTIONS UPON RETURN OF ANAN AND CHATCHAI FROM ASEAN SUMMIT FEBRUARY 25 IF U.S. REVISION IS NOT TRANSMITTED TO US BY THEN. END SUMMARY

1. AS THE DEPARTMENT IS AWARE, MFA IS PRESSING FOR A FAST RESPONSE TO THE THAI SEVEN PRINCIPLES ON THE STATUS OF THE U.S. RESIDUAL MILITARY PRESENCE, AND IS GIVING THE THAI PUBLIC THE IMPRESSION THAT THE U.S. IS RELUCTANT TO PROCEED WITH THIS DISCUSSION. ACCORDING TO ONE VERSION, THE AMBASSADOR IS ALLEGEDLY TRYING TO SEEK TO POSTPONE OUR RESPONSE UNTIL AFTER MARCH 20.

2. WE THINK IT IS ESSENTIAL TO GIVE MFA NO GROUNDS WHATSOEVER FOR THINKING, OR PUBLICLY SUGGESTING, THAT THE U.S. IS DRAGGING ITS FEET.

3. WE EXPECT THAT CHATCHAI AND ANAN WILL RETURN TO BANGKOK FROM THE ASEAN SUMMIT IN BALI ON WEDNESDAY, FEBRUARY 25. AS THE FIRST ORDER OF BUSINESS ON HIS RETURN, ANAN WILL ALMOST CERTAINLY ASK FOR THE U.S. RESPONSE TO THE SEVEN PRINCIPLES. IT IS OF CRITICAL IMPORTANCE THAT WE BE ABLE TO GIVE HIM AT LEAST AN INITIAL USG REACTION.

4. WE APPRECIATE BEING ADVISED (REFTEL) THAT DEPARTMENT AND DOD HAVE COMPLETED WORK ON COUNTERPROPOSALS, BUT WE ARE CONCERNED BY THE FACT THAT THE CIRCULAR 175 PROCEDURE WILL, IF PAST HISTORY IS ANY INDICATION, TAKE MORE TIME TO COMPLETE THAN IN FACT IS AVAILABLE. WHILE WE RECOGNIZE THAT NECESSITY OF CIRCULAR 175 PROCEDURE IS DETERMINATION FOR DEPARTMENT TO MAKE, WE DO NOT BELIEVE WHAT WE ARE NOW DOING WITH THE THAI ON THE SEVEN PRINCIPLES REALLY CONSTITUTES AN ACTION OF THE KIND CONTEMPLATED BY CIRCULAR 175 AS DESCRIBED IN 11 FAM 720. WE DO NOT SEE THE SEVEN PRINCIPLES AS INVOLVING COMMITMENTS OR RISKS IN THE SENSE INTENDED BY THE CIRCULAR, AT LEAST NOT AT THIS EARLY STAGE OF THE DISCUSSION. INSTEAD, WE REGARD WHAT IS GOING ON AS NORMAL DIPLO-
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MATIC DISCOURSE.

5. IF WE START A TIMELY DIALOGUE, WE HOPE TO BE ABLE TO POSTPONE NEGOTIATIONS ON THE STATUS OF OUR FORCES AND JURISDICTIONAL ISSUES UNTIL SOME OF THE CURRENT UNCERTAINTIES HAVE BEEN RESOLVED. (WE THINK, IN THIS CONNECTION, THAT THE DELAY IN RESPONDING TO THE THAI DECEMBER 28 REQUEST FOR A NOTE ON TURNOVER TF RAMASUN,

CHIANG MAI AND KO KHA WAS RESPONSIBLE FOR THE BRUSQUENESS WITH WHICH THE THAI EVENTUALLY PRESENTED THE SEVEN PRINCIPLES.) IN ORDER TO YE TAIN THE MOMENTUM OF THE AMBASSADOR'S DISCUSSION WITH PRIME MINISTER KHUKRIT FEBRUARY 18, IT IS IMPORTANT THAT WE BE SEEN TO BE REASONABLE, FORTHCOMING AND PROMPT TO RESPOND IN SUCH MATTERS AS ARE DEALT WITH IN THE SEVEN PRINCIPLES.

6. IF YOU CANNOT GET THE U.S. DECISION OF THE SEVEN PRINCIPLES TO US BY FEBRUARY 25, WE HOPE YOU CAN AUTHORIZE US NOT LATER THAN COB FEBRUARY 25 TO PROVIDE MFA WITH COMMENTARY ON THE SEVEN PRINCIPLES ALONG THE FOLLOWING LINES:

PRINCIPLE 1 - UNDER PREVIOUS ARRANGEMENTS, A LARGE PROPORTION OF THE RESIDUAL PRESENCE WOULD HAVE BEEN COVERED BY DIPLOMATIC IMMUNITY UNDER THE 1950 MILITARY ASSISTANCE AGREEMENT. WE UNDERSTAND THE RELUCTANCE OF THE GOVERNMENT OF THAILAND TO CONTINUE EXTENDING SUCH IMMUNITY TO A LARGE NUMBER OF U.S. MILITARY AND CIVILIAN PERSONNEL OTHER THAN THOSE ACTUALLY SPECIFIED IN THE AGREEMENT OF 1950 ITSELF, AND THEREFORE, ALTHOUGH WE OF COURSE WOULD WELCOME CONTINUATION OF THIS ARRANGEMENT, WE WILL NOT RIGIDLY INSIST ON ADHERENCE TO IT. IN VIEW OF OUR WILLINGNESS TO GIVE UP THE EXISTING ARRANGEMENT, WE WOULD HOPE THAT THE RTG FOR ITS PART WOULD TAKE ACCOUNT OF THE FACT THAT IN ALMOST ALL COUNTRIES IN WHICH U.S. DEFENSE PERSONNEL ARE STATIONED, HOST GOVERNMENTS HAVE RECOGNIZED THAT U.S. JURISDICTION OVER THESE PERSONNEL IS APPROPRIATE IN CERTAIN KINDS OF CASES. IN MATTERS OF FOREIGN CRIMINAL JURISDICTION, FOR EXAMPLE, IT IS THE USUAL PRACTICE FOR THE U.S. TO EXERCISE THE RIGHT OF PRIMARY JURISDICTION

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IN CASES INVOLVING AMERICAN PERSONNEL ON OFFICIAL DUTY, OR IN CASES INVOLVING ONLY AMERICAN PERSONNEL OR PROPERTY (SO-CALLED INTER SE CASES). WE WOULD HOPE THAT THE LANGUAGE OF PRINCIPLE 1 COULD BE MODIFIED TO TAKE ACCOUNT OF THESE CUSTOMARY PRACTICES.

PRINCIPLE 2 - WE HAVE NO DIFFICULTY IN AGREEING TO A PRINCIPLE ALONG THESE LINES; WE WOULD THINK THAT, GIVEN THE FACT THAT THE INSTALLATIONS WILL BE THAI INSTALLATIONS, THE LANGUAGE WOULD BE MORE ACCURATE IF IT REFLECTED THE JOINT DETERMINATION OF THE TWO COUNTRIES TO REFRAIN FROM THREAT TO ETC., AND ALSO MADE REFERENCE TO THE UNITED NATIONS CHARTER.

PRINCIPLE 3 - WE HAVE NO QUARREL IN PRINCIPLE WITH

THE IDEA OF PROVIDING THE RTG WITH REPORTS ON OUR ACTIVITIES AT THE INSTALLATIONS AT WHICH U.S. FORCES WILL BE PRESENT, AND WOULD BE INTERESTED TO KNOW WHAT KINDS OF REPORTS THE THAI CONTEMPLATE. AS TO INFORMATION AND DATA, WE HAVE ALREADY AGREED THAT THIS WILL BE PROVIDED AND INDEED HAVE ALREADY BEGUN DISCUSSIONS WITH THE DULY DESIGNATED THAI AUTHORITIES ON THE SUBJECT. WE ARE CONFIDENT THAT WITH MINOR MODIFICATIONS WE WILL BE ABLE TO AGREE TO LANGUAGE ACCEPTABLE TO THE THAI SIDE AND CLOSELY RESEMBLING THE LANGUAGE PROPOSED BY THEM.

PRINCIPLE 4 - THE LANGUAGE HERE CAN BE READ AS SUGGESTING THAT THERE WILL BE A STEADY PHASEDOWN OF U.S. PERSONNEL AS THAI PERSONNEL ARE TRAINED TO REPLACE THEM, UNTIL AT SOME POINT NO U.S. MILITARY PERSONNEL WILL REGAIN. AT AN INSTALLATION LIKE RAMASUN. HOWEVER, THAT IS NOT WHAT THE U.S. IS PROPOSING. WE CONTEMPLATE A SCALING DOWN OF THE U.S. MILITARY PRESENCE AS THE THAI PERSONNEL ARE TRAINED, UNTIL A FINAL "COMBINED OPERATIONS" CONFIGURATION IS ATTAINED. THIS WILL INVOLVE THE CONTINUED PRESENCE OF ABOUT 350 U.S. MILITARY PERSONNEL, PLUS SOME CIVILIANS. THE ULTIMATE POSTURES AT KO KHA, CHIANG MAI AND UTAPAO ARE NOT YET CLEAR, SINCE WE ARE AWAITING AN EXPRESSION OF THAI VIEWS IN THE MATTER. WE BELIEVE THAT SIMPLE MODIFICATIONS

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IN THE LANGUAGE PROPOSED BY THE RTG WILL TAKE ACCOUNT OF THESE POINTS.

PRINCIPLE 5 - WE ACCEPT THIS PRINCIPLE. WE THINK THE TONE WOULD BE IMPROVED IF REFERENCE WERE MADE TO "THE NUMBER AGREED TO BETWEEN THE TWO GOVERNMENTS," RATHER THAN "THE NUMBER AGREED BY THE ROYAL THAI GOVERNMENT"; SUCH A CHANGE WOULD UNDERLINE THE COOPERATIVE, MUTUALLY BENEFICIAL NATURE OF THE RESIDUAL PRESENCE.

PRINCIPLE 6 - WE DO NOT THINK MEMBERS OF THE U.S. FORCES RESIDUAL PRESENCE IN THAILAND IN THE MUTUAL INTEREST OF THE SECURITY OF THE TWO COUNTRIES CAN PROPERLY BE TREATED AS IN THE SAME CATEGORY WITH "TECHNICAL EXPERTS FROM OTHER COUNTRIES". AS WE UNDERSTAND IT, ARRANGEMENTS COVERING TECHNICAL EXPERTS FROM OTHER COUNTRIES WOULD NOT BE SUITED TO THE RESIDUAL U.S. PRESENCE IN ANY CASE. SUCH ARRANGEMENTS PRESUMABLY WOULD OBLIGE THE RTG TO PROVIDE, FOR EXAMPLE, HOUSING ALLOWANCES. WE DOUBT THAT THE RTG HAS THIS IN MIND. ON THE OTHER HAND, REASONABLE

DUTY-FREE IMPORT PRIVILEGES, TAX EXEMPTION AND THE
LIKE ARE A NORMAL PRACTICE IN ALMOST ALL COUNTRIES
WHERE
U.S. MILITARY AND DEFENSE DEPARTMENT CIVILIAN
PERSONNEL ARE PRESENT. WE WOULD HOPE THAT THESE
CUSTOMARY PRACTICES WOULD ALSO BE ACCEPTED BY THE
RTG. IT OCCURS TO US THAT PERHAPS PRINCIPLE 6 COULD
BE ELIMINATED AND THE LANGUAGE OF PRINCIPLE 1 ADJUSTED
SO AS TO TAKE ACCOUNT OF THESE CONCERNS.

PRINCIPLE 7 - WE AGREE TO THE IDEA THAT AGREEMENTS
TO BE NEGOTIATED DEFINING THE TERMS OF THE RESIDUAL
U.S. PRESENCE SHOULD CONTAIN PROVISIONS FOR PERIODIC
REVIEW AND DENUNCIATION PROVISIONS. WE DO NOT BELIEVE
THAT THEY SHOULD AUTOMATICALLY EXPIRE AT THE END OF
TWO YEARS. WE ALSO DO NOT UNDERSTAND THE MEANING
OF THE PROVISIO IN THE LANGUAGE PROPOSED BY THE THAI THAT
SUCH AGREEMENTS WOULD BE RENEWABLE "BY EITHER PARTY
GIVING ADVANCE NOTICE". WE DO NOT, HOWEVER, FORESEE THAT
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THERE SHOULD BE FACULTY WORKING OUT APPROPRIATE
LANGUAGE FOR THIS PRINCIPLE.

7. REQUEST DEPARTMENT'S AUTHORIZATION NOT LATER THAN
C.O.B. FEBRUARY 25 TO DISCUSS THIS QUESTION WITH
MFA ALONG THE ABOVE LINES IF THE TEXT OF THE U.S.
REVISION CANNOT BE TRANSMITTED BY THEN. WE WOULD PRE-
FER TO TAKE THE INITIATIVE WITH THE MINISTRY OF
FOREIGN AFFAIRS INSTEAD OF WAITING UNTIL THEY CALL US.
WHITEHOUSE UNQUOTE KISSINGER

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